

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2004/014667

International filing date (day/month/year)
29.09.2004

Priority date (day/month/year)
07.11.2003

International Patent Classification (IPC) or both national classification and IPC
H04L29/06, G06F1/00, H04N7/167

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2004/014667

IAP5 Rec'd PCT/PTO 13 FEB 2006

Box No. II Priority

10/568099

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-8,15,20-29
	No: Claims	1-5,9-14,16-19,30-32
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-32
Industrial applicability (IA)	Yes: Claims	1-32
	No: Claims	-

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/014667

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Rule 43bis PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following documents cited in the International Search Report are referred to in this communication:

D1: US 2003/005135 A1 (INOUE MITSUHIRO ET AL) 2 January 2003 (2003-01-02)
D2: EP-A-1 043 878 (SONY CORP) 11 October 2000 (2000-10-11)
D3: WO 00/59150 A (MICROSOFT CORP) 5 October 2000 (2000-10-05)
D4: WO 01/95175 A (SEALEDMEDIA LTD ; LAMBERT MARTIN RICHARD (GB)) 13 December 2001 (2001-12-13)
D5: US-B-6 389 5381 (MILSTED KENNETH L ET AL) 14 May 2002 (2002-05-14)

- 2 The present application does not meet the criteria mentioned in Article 33(1) PCT, because the subject-matter of independent **claims 1 and 30-32** is not novel in the sense of Article 33(2) PCT.

- 2.1 Document **D1**, which is considered to represent the closest prior art, discloses according to all the features of **claim 32** (the references in parentheses applying to this document):

A content reproduction control method used for a content reproduction control system (see Fig. 1, ref. 100) comprising a server apparatus ("Right Management Server"; Fig. 1, ref. 110) and a terminal apparatus ("Parent/Child Terminal"; Fig. 1, refs. 140, 150) that are connected to each other via a communication path (see Fig. 1, ref. 160) comprising the following steps:

- (a) the server apparatus
- (a1) generating control information which is based on time information attached to the content and specifies a range for permitting or prohibiting a user's predetermined operation on a content in the terminal apparatus (see, e.g., Figs. 6, 10); and
 - (a2) distributing the control information to the terminal apparatus (see, e.g., Fig. 10, ref. S1006; Fig. 16, refs. S1107, S1108);

- (b) the terminal apparatus
 - (b1) using the content (see, e.g., Fig. 19, ref. S1206); and
 - (b2) controlling a reproduction of the content being included in the content use based on the received control information (see, e.g., Fig. 19, refs. S1202-S1207).
- 2.2 As a consequence, **claim 32** does not comply with the provisions set out in Article 33(2) PCT due to lack of novelty of its subject-matter.
- 2.3 Referring to the objection raised above, **claims 1, 30, and 31** do also not comply with the requirements of Article 33(2) PCT since their subject-matter corresponds to that of claim 32, whereby all the method steps of claim 32 are represented by corresponding structural features of the entire system, the server and the terminal.
- 2.4 Moreover, it should be noted that the subject-matter of **claims 1 and 30-32** is also not novel (Article 33(2) PCT) vis-à-vis to the disclosure of documents **D2-D5** (see cited passages in the International Search Report).
- 2.5 It is pointed out that even if the Applicant were to interpret independent **claims 1 and 30-32** in such a way as to enable him to allege that their subject-matter were novel, based on minor differences between the technical features of these claims and those disclosed in documents **D1-D5**, the subject-matter of said claims would still not involve an inventive step (Article 33(3) PCT) having regard to the disclosures of said documents, especially as they disclose the same object and the same type of solution as claimed in said claims.
- 3 Additionally, dependent **claims 2-29** do not appear to contain any additional technical features which, either alone or in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT) since their subject-matters (incorporating different types of control information; employing different applications for the time information; deploying main and sub licenses; applying stream-type contents; supporting Entitlement Control Messages for digital broadcasting) are either known from the prior art (documents **D1-D5**; see cited passages in the International Search Report) or merely

represent minor design options to the person skilled in the art.

Re Item VII

Certain defects in the International Application

- 1 The independent claims are not properly drafted in the two-part form recommended by Rule 6.3(b) PCT and do not include reference signs in parentheses to increase their intelligibility according to Rule 6.2(b) PCT.
- 2 The most relevant prior art documents are not properly acknowledged in the description part according to Rule 5.1(a)(ii) PCT.

Re Item VIII

Certain observations on the International Application

The present application does not meet the requirements of Article 6 PCT, the reasons being as follows:

The subject-matter of **claims 9-12 and 18-28**, phrased as apparatus claims, is defined by method steps rather than in terms of structural features of an apparatus. Hence, the category of these claims is unclear (see PCT Guidelines, 5.12).